

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

AO 91 (Rev. 01/09) Criminal Complaint

2022 AUG 22 AM 11:14

CLERK-LAS CRUCES

UNITED STATES DISTRICT COURT

for the
District of New MexicoUnited States of America
v.

Gene SOTELO

Case No: 22-1355 MJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of August 18, 2022 in the county of Dona Ana in the State and District of New Mexico, the defendant violated 8 U.S.C. §1324(a)(1)(A)(v)(I)(Conspiracy to Violate 1324 - All subsections), an offense described as follows:

engaged in a conspiracy to commit a violation of 8 USC 1324(a)(1)(a)(v)(I) Conspiracy, to wit: 8 USC 1324(a)(1)(a)(ii) Transporting, knowing or in reckless disregard of the fact that, ALIENS, had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such aliens within the United States by means of transportation or otherwise, in furtherance of such violation of law

This criminal complaint is based on these facts:

On August 18, 2022, the Santa Teresa, New Mexico Border Patrol Station's Anti-Smuggling Unit (ASU) was working near Pete Domenici Highway and New Mexico Highway 9 (NM Hwy 9). At approximately 2:05 am, Border Patrol Agent 1 (BPA1) observed a SUV traveling eastbound on NM Hwy 9 towards Pete Domenici Highway. The vehicle appeared to be grossly overloaded with excess weight. BPA1 radioed his observations to BPA2. BPA1 and BPA2 observed the SUV turn north from NM Hwy 9 onto Pete Domenici Highway. As the vehicle passed BPA2 location, BPA2 confirmed that the SUV appeared to be grossly overloaded with excess weight.

☒ Continued on the attached sheet.

Sworn to before me ^{via telephone.} and signed in my presence.


Date: August 20, 2022

City and state: Las Cruces, N.M.


Complainant's signature

Miguel Cruz, Agent

Printed name and title


Judge's signature

Gregory B. Wormuth, U.S. Magistrate Judge

Printed name and title

CONTINUATION OF CRIMINAL COMPLAINT

STATE AND DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

V.

Gene SOTELO

Continuation of Statement of Facts:

After observing the vehicle's grossly overloaded weight and the fact that the overloaded vehicle was present at that time of night, traveling eastbound on NM Hwy 9, could very likely be involved in the smuggling of non-citizens.

BPA2 followed the SUV north on Pete Domenici Highway, and as it approached Airport Road BPA2 activated the service vehicle's emergency lights and siren. The SUV did not immediately pull over to the shoulder of Pete Domenici Highway, but instead turned west onto Airport Road, at a very slow speed. The vehicle finally pulled into the tractor-trailer lot of the Love's Gas Station, on Airport Road. BPA1 and BPA2 exited their service vehicles and approached the SUV.

The driver of the SUV, later identified as Gene SOTELO, a United States Citizen, was still seated in the driver's seat. Of the eighteen suspected smuggled non-citizens, all claimed to not having immigration documents allowing them to enter, live, work, or remain in the United States legally.

DRIVER PRINCIPAL (SOTELO, Gene):

SOTELO understood his rights but was not willing to answer questions without the presence of an attorney. No interview was conducted.

MATERIAL WITNESSES STATEMENTS:

"WITNESS1" stated a family member made the arrangements with the smugglers. "WITNESS1" stated once in the U.S. two unknown smugglers guided them through the desert to the road where they were going to get picked up.

"WITNESS1" stated that the smugglers seem to be very organized, because the driver stopped right where they were waiting by the Highway. "WITNESS1" stated once the vehicle stopped, they were instructed to board the vehicle.

"WITNESS1" stated moments later they were pulled over by Border Patrol Agents and placed under arrest. "WITNESS1" was shown a photo lineup (six pack) and including the driver of the SUV and "WITNESS1" was able to positively identify the driver by circling the photo of the SOTELO, Gene.

"WITNESS2" stated a family member made the plans with the smugglers. "WITNESS2" claimed once they jumped over the fence and into the U.S. they were guided to the road where they were going to get picked up. "WITNESS2" stated the driver stopped and instructed him to board the SUV and moments later they were pulled over by Border Patrol Agents.

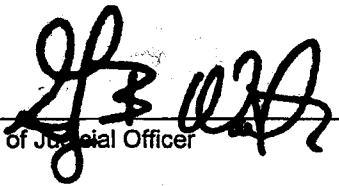
"WITNESS2" was shown a photo lineup (six pack) and including the driver of the SUV and "WITNESS2" was able to positively identify the driver by circling the photo of the SOTELO, Gene.

DISPOSITION:

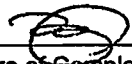
BPA3 contacted the Assistant United States Attorney (AUSA) and presented the 1 on 18 Illegal Alien smuggling scheme. The AUSA accepted criminal prosecution pursuant to 8 USC 1324, Illegal Alien Smuggling on SOTELO.

Continuation of Statutory Language:

22crj1355
criminal complaint



Signature of Judicial Officer



Signature of Complainant
Cruz, Miguel

Filing Agent